

by the railroad with the shipper, if made.

PART 1039—EXEMPTIONS

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AUTHORITY: 49 U.S.C. 10502, 13301.

SOURCE: 47 FR 50262, Nov. 5, 1982, unless otherwise noted.

§ 1039.10 Exemption of agricultural commodities except grain, soybeans, and sunflower seeds.

The rail transportation of the commodities listed below is exempt from the provisions of subtitle IV of title 49, except that carriers must continue to comply with Board accounting and reporting requirements, including a brief statement in their annual reports of operations under this exemption, and must maintain copies of rates, charges, rules or regulations, for traffic moved under this exemption, at their principal office, subject to inspection, and send a letter of notification to the docket [Ex Parte No. 346 (Sub-No. 14)], within 30 days, of the fact that they are using the exemption. All tariffs pertaining to the transportation of these miscellaneous commodities will no longer apply except to the extent adopted by carrier quotations. The categories of commodities which are exempt under this decision, by Standard Transportation Commodity Code (STCC) number are:

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| 01 | Farm products, with the exception of grain (STCC No. 0113), soybeans (STCC No. 01144), and sunflower seeds (STCC No. 0114940). |
| 09 | Fresh fish and other marine products. |

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| 20–11 | Fresh meat. |
| 20–15 | Fresh dressed poultry. |
| 20–17 | Processed poultry. |
| 20–21 | Creamery Butter. |
| 20–23 | Condensed, Evaporated or Dried Milk. |
| 20–25 | Cheese and Special Dairy Products. |
| 20–26 | Processed Whole Milk. |
| 20–141 | Hides and Skins. |
| 20–144 | Animal refuse, tankage, or meat meal. |
| 20–421–27 | Citrus pomace. |
| 20–712–12 | Shelled walnuts. |
| 20–914–25 | Cottonseed hulls. |
| 20–915 | Cotton linters. |
| 20–999–29 | Butter and honey mixed. |
| 20–999–41 | Honey, comb, granulated or strained, or heat treated to retard granulation. |
| 20–999–76 | Freeze-dried poultry. |
| 20–999–77 | Freeze-dried meat. |
| 20–999–78 | Freeze-dried salad ingredients. |
| 20–999–93 | Fresh and salted meat and products mixed, not hung. |
| 20–999–94 | Fresh and salted meat and products mixed, hung and not hung. |
| 21–4 | Stemmed or redried tobacco. |
| 22–811–30 | Cotton, carded, dyed or not dyed, but not spun, woven or knitted, but including cotton lap. |
| 22–911–63 | Mattress felt, nec, cjqrs, not finished. |
| 22–911–74 | Felts, cotton, nec. |
| 22–971–35 | Wool, nec, scoured. |
| 22–995–22 | Flax fibre. |
| 22–999–26 | Cotton linters, bleached or dyed. |
| 28–423–37 | Beeswax. |

and shall embrace all articles assigned additional digits. The STCC shall be those code numbers in effect as of January 1, 1979, as shown in Standard Transportation Commodity Code Tariff 1–G, STB STCC 6001–C. Nothing in this exemption shall be construed to affect our jurisdiction under section 10502 or our ability to enforce this decision or any subsequent decision made under authority of this exemption section. This exemption shall remain in effect, unless modified or revoked by a subsequent order of this Board.

[48 FR 9277, Mar. 4, 1983; 49 FR 22095, May 25, 1984, as amended at 49 FR 26745, June 29, 1984; 49 FR 27321, July 3, 1984; 64 FR 53267, Oct. 1, 1999; 69 FR 58365, Sept. 30, 2004]

§ 1039.11 Miscellaneous commodities exemptions.

(a) *Commodities exempted.* Except as indicated in paragraph (b) of this section, the rail transportation of the commodities listed below is exempt from the provisions of 49 U.S.C. subtitle IV. The Standard Transportation Commodity Code (STCC) numbers that identify the exempted commodities are those in effect on the effective date of the tariff cited, and shall embrace all commodities assigned additional digits.